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Paper No. 19

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In re Patent No. 5,700,654
Issue Date: December 23, 1997
Application No. 08/304,147
Filed: September 12, 1994
Attorney Docket No. 9101BCIP

: **OFFICE OF PETITIONS**
: **ON PETITION**
:
:

REQUIREMENT FOR INFORMATION

A petition was filed on September 13, 2004, under 37 CFR 1.378(c) to accept the delayed payment of a maintenance fee for the above-identified patent.

A decision on this petition will be held in abeyance for a period of **TWO MONTHS** from the date of this communication to permit petitioner to address the following issue before a decision is rendered. No extension of this two month time limit can be granted under 37 CFR 1.136(a) or (b).

The instant petition is not signed by a person authorized to sign a petition under 37 CFR 1.378 in the above-identified patent. 37 CFR 1.378(d) requires that any petition under 37 CFR 1.378 be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.

The petition to accept an unintentionally delayed payment of the maintenance fee is signed by Eric H. Kuhrt. In order for an assignee to take action in a case before the Office, compliance with 37 CFR 1.73(b) must be satisfied. More specifically, 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office, (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents

submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a manner pending before the Office. A blank 37 CFR 3.73(b) accompanies this decision.

The response to this Requirement for Information should include a cover letter entitled "Response to Requirement for Information." At the end of the two month period specified above, a decision will be rendered on the instant petition under 37 CFR 1.378 as supplemented by any information submitted in response to this Requirement for Information.

In order to expedite reinstatement of this patent, petitioner may wish to consider submitting the reply to the requirement for information by facsimile transmission to the telephone number indicated below and to the attention of the undersigned.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

2011 South Clark Place
Crystal Plaza Two Lobby
Room 1B03
Arlington, VA 22202

By fax: (703) 872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Karen Creasy at (571) 272-3208.

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Blank copy of 37 CFR 3.73(b) form.